

1 Healthcare which was a loss of 50,000. Qualtex  
2 Laboratories was 96,701. Another account called --  
3 which fell under Qualtex for 97,978. Those five  
4 accounts, Michelle declined. Oh, and here's another  
5 one, INVACARE which was 70,000, and those accounts,  
6 Michelle declined to give me adjustment consideration.  
7 And a year later, Matt Wheeler, which was the new hire  
8 with Rebecca, all of a sudden, Michelle got involved  
9 and gave them a consideration for adjustment, but she  
10 wouldn't give me an adjustment.

11 So this was just a note to myself that,  
12 "Note, Adding Melisa to the string in case she has  
13 experience. Michelle has experience with OptiFreight  
14 brought to her attention in FY '18 due to the losses  
15 of Qualtex/South Texas Blood Bank. OptiFreight  
16 solicited Qualtex to where all business shifted,  
17 advised Michelle, and she didn't know how to handle.  
18 I rode the revenue down for 12 months. No help in  
19 revenue adjustment due to the loss." So I had to eat  
20 it, but Michelle's new hire, he got all the  
21 consideration to take an adjustment, where I didn't.

22 Q. Right. Let's mark Exhibit 22.

23 A. Thank you for that.

24 Q. Exhibit 22, I gather, is an e-mail from you  
25 to Michelle Lamb where you're attempting to explain

1 the situation involving the Mexico border accounts in  
2 Laredo?

3 A. There's another one that goes with this, I  
4 think.

5 Q. This?

6 A. No.

7 Q. Why don't you take the folder back and see  
8 if you can identify any other documents that go  
with 9 22.

10 A. These go together, right here.

11 Q. Why don't you put Exhibit 22 together in the  
12 order you think they should belong.

13 A. So this is the way they should go.

14 Q. So with that adjustment that you made to  
15 Exhibit 22, what is the document?

16 A. Michelle sent me an e-mail on Thursday,  
17 August 29th, 2019. Let me take that back. I sent  
18 Michelle an e-mail on August 28th, 2019, and it was,  
19 "Michelle, per our conversation yesterday, enclosed is  
20 a list of Laredo accounts that are aligned to  
21 Alejandra." That's A-L-E-J-A-N-D-R-A. "These were  
22 the accounts that Alejandra had direct placed to her,  
23 however two to have dropped off due to low revenue."  
24 One was JR Wholesome. Number two was Mexus. Three  
25 was Rush Box. Four was TM Carriers, and five was

1 Dixondale Farmers.

2 She came back and said on August 29th, "I  
3 didn't realize that Alejandra has been traveling to  
4 Laredo for three accounts. This is extremely  
5 inefficient. Why haven't the accounts been moved to  
6 Ricardo in the past?"

7 And I came back to her in one big response,  
8 and I said, "I discussed with you in the beginning,  
9 Alejandra was an SD covering San Antonio and the San  
10 Antonio markets. Due to realignments and the lack of  
11 strategic accounts within San Antonio, the decision  
12 was made to remove her from the SD role and place her  
13 back as an MD. In doing, we direct placed several  
14 Laredo accounts within her territory being that she  
15 was very familiar with the Laredo market and that she  
16 has relations with Rush Box. Not to mention that we  
17 have reduced the head count of Laredo from four to  
18 two. Alejandra Ambrose relocated to San Antonio.  
19 Luis Gomez relocated to Austin. Felix Jauargui,"  
20 that's J-A-U-A-R-G-U-I, "resigned. Ricardo Ramirez,  
21 Laredo AE, extended to the MSA to move Ricardo from an  
22 MD versus a BD."

23 "Rush Box was Laredo's largest account prior  
24 with levels surpassing 1.5 to 2.5 million. Due to the  
25 levels, we extended Rush Box an opportunity to visit

1 the Memphis hub. Business continued to grow until  
2 Rush Box lost a contract with Hewlett-Packard. It has  
3 been a struggle with Rush Box as they are bringing on  
4 new business and the loss of business due to  
5 contracts."

6 "I have tried to remove Alejandra from the  
7 Laredo market on multiple occasions, discussing with  
8 you in the beginning Karen James and Melisa. Here's a  
9 snippet of the April 20, 2018, meet requesting a  
10 discussion of adjustment consideration of Mexico  
11 accounts. Anyway, the reason why Alejandra has not  
12 been removed from Laredo is strictly due to territory  
13 revenue balance/Rush Box. Outside of TMB, I have not  
14 been in a position to transfer the accounts to Ricardo  
15 based on territory revenue and/or decline of Rush Box.  
16 As of today, with Rush Box in a declining mode, I  
17 can't justify moving to Ricardo. Currently, she is  
18 handling three accounts, Rush Box, JR Wholesale, and  
19 Mexus. The other two have been removed due to revenue  
20 levels."

21 And I gave her a snippet of the Rush Box of  
22 the FedEx Express Primary, and the current quarter was  
23 174,000, and the previous quarter was 358,000. And  
24 all this was, all this together is, she asked  
25 something. I gave it to her, and then she turned

1 around and started accusing me that I never told her  
2 about anything. And I said, No, from the very  
3 beginning of the day I met you, I outlined all the  
4 people in my territory. And this is the reason why I  
5 can't realign accounts. She wanted me to realign the  
6 loss of the accounts to Ricardo, and it's not going to  
7 do. This wasn't my call. This was Karen James under  
8 Dave Russell because she's the one that balances  
9 territories. And everyone tried to balance around  
10 \$5 million per quarter per AE. So if you take my AEs  
11 at \$5 million per quarter, give or take a mil, my  
12 revenue responsibility per quarter was like 55 mil.  
13 That's what I was responsible for. And I can't move  
14 this to someone that's in a loss because it's just  
15 going to be detrimental to him. And she couldn't  
16 understand that. So that's what that was about.

17 Q. All right. Let's mark Exhibit 23. What's  
18 Exhibit 23?

19 A. This was a one note snippet to myself, and  
20 this is just where I was just tracking Michelle's  
21 activity with my district. This is back when she  
22 first came in. This was May 17th through May 31st of  
23 2018. So it was one year. It shows that on August  
24 21st through the 23rd, she went to Laredo. September  
25 26th, she came to my meeting with the team build.

1 December 20th, she did my one-on-one, Dave Russell  
2 conference call, casual, nothing in regards to DSM  
3 coaching.

4 January 25th, 2018, was a Houston meeting,  
5 Mexico. She scheduled my one-on-one, but then she  
6 canceled it. I was brought in there to talk to the  
7 people in corporate about the Mexico billing issues  
8 that never got rectified because she led them down a  
9 rabbit hole where she told them what was wrong, but  
10 when they got there, it was never what was wrong.  
11 They were totally confused. And once they heard it  
12 from me, they said, We apologize. We didn't know this  
13 was going on.

14 February 28th is when she came down, and she  
15 scheduled my one-on-one which was a casual  
16 conversation, nothing related to nothing. She  
17 constantly complained about a neck ache. She got  
18 concerned with my AE, Adrian Morales, entertainment  
19 with Frost Bank. She wanted to know if Adrian had a  
20 drinking problem, concerned with the amount of  
21 alcohol. She told me that at that time she made the  
22 decision to move Mexico out of Brian Hickman, and she  
23 was going to move it to me. And I questioned why, and  
24 basically it was her decision. And then May 10th,  
25 just an outline of the meeting. It was a note to

1 recount my deals. The most interesting deal was when  
2 she accused my AE of having a drinking problem. That  
3 was the most comical one I could see.

4 Q. In what sense do you think that was comical?

5 A. That she went out with my AE and our largest  
6 customer in San Antonio, Frost Bank, took three of the  
7 people from the bank to the Spurs game, and all of my  
8 AEs knew that it's their responsibility. We have to  
9 entertain. We have to interact, and customers are  
10 going to drink alcohol. And if it's -- if a customer  
11 drinks alcohol, it's your responsibility to make sure  
12 that customer gets home safe. That's always the  
13 unspoken rule, and they knew about it, and I always  
14 reminded them when they took one out. And I had that  
15 same conversation with Adrian the day before, that  
16 tomorrow you're going to be with Michelle. It's the  
17 first time she's been in our market to make sales  
18 calls. Make sure everything goes accordingly. He  
19 said, no problem. So they went to the Spurs game.  
20 They entertained the customers, and everything came  
21 back, not a word said. The next morning when I met  
22 for my one-on-one, she hit me right between the eyes,  
23 and she wanted to know if my AE was an alcoholic  
24 because he displayed signs of a drinking problem.

25 Q. Did she explain to you --

1           A.     And I said, What are you talking about? She  
2 goes, He was drunk to the capacity that I was in fear  
3 of driving back to the hotel by myself. Took me  
4 totally off guard, and I kind of explained the deal.  
5 I said, that's really uncharacter [sic] of Adrian.

6                 So anyway, she accused me of all the  
7 wrongdoing. So when I was done, I called Adrian, and  
8 I said, What happened? And he goes, What are you  
9 talking about? And I said, She's accusing you of  
10 being an alcoholic and being drunk that night. He  
11 goes, Richard, I had like three or four beers. That  
12 was it. He said, Now, the Frost Bank guys, they  
13 overindulged. He said, but all of them were good. He  
14 said, Everyone got home. Everyone's fine. And he  
15 said, As far as me driving Michelle, I was nowhere to  
16 the limit of intoxication that I would get pulled over  
17 and get a DUI or DWI. That's totally off base. And I  
18 said, I'm really confused why she even brought that  
19 up. He said, I have no clue.

20                But she hit me with that that morning which  
21 was totally false. So that's why I thought it was  
22 comical because she always kind of let everyone know  
23 that she's always kind of drug up something that was  
24 just to kind of catch me off guard. That's why I said  
25 earlier, with her, I always walked on eggshells



1 because I never knew when she was going to -- what  
2 part of the baseball field I was going to get hit with  
3 a ball.

4 Q. Okay. What's Exhibit 24?

5 A. Did we already discuss this one?

6 Q. Possibly. Let me see.

7 A. That's the one that I sent to Mac Chonoles  
8 which was Michael Clark's -- maybe not. Maybe this is  
9 a different one. I sent it to Mac Chonoles, Michael  
10 Clark's director.

11 Q. Okay.

12 A. This was on a follow-up. This was June  
13 28th, 2019, to where I said to Mac Chonoles,  
14 C-H-O-N-O-L-E-S, "Thank you for getting back with me.  
15 I truly understand the steps that you and Michael have  
16 gone through to determine an outcome which I can  
17 appreciate. However, speaking honestly, I'm coming to  
18 the point that I'm done with this. I have held my  
19 head high this entire ordeal, maintained  
20 professionalism, and respected all parties especially  
21 towards Michelle. I've been accused of false  
22 allegations, confronted with two letters of  
23 counseling, and continued to work in an environment of  
24 eggshells."

25 "The latest communication from Michelle,

1      dated Monday, June 24th, 2019, questioned my joint  
2      call activity for the previous week. I understand and  
3      have no questions with her requesting my engagement  
4      with my AEs, however, I do not appreciate a generic  
5      question turning into a condescending e-mail turning a  
6      non-offensive subject into a reprimand of nothing but  
7      wrongdoing. She's painting the picture that this is  
8      an ongoing, continuous subject that has been  
9      addressed, re-addressed, and now moving into a  
10     different level of discipline. Being that I have  
11     filed an EEOC, this is walking a very fine line of  
12     retaliation."

13                "Being that she is a director, where is the  
14     PSP? Knowing that she did not know why, knowing that  
15     she has not confronted/discipline me with any joint  
16     call activity in the past, she could have simply  
17     stated, Thanks for the update. Sorry that Rosie  
18     became ill and altered your week, let's stay focused  
19     on the joint call activity. Instead, Michelle chose  
20     to use condescending e-mail well outside the  
21     parameters of Coach 2 Grow, painting the picture of  
22     ongoing issues that needed to be reprimanded."

23                "In regards to Rosie submitting a sick day,  
24     she simply forgot, nothing more. She wasn't trying to  
25     hide anything. She simply forgot. I reminded her,

1 and she submitted it, and I approved." And it was a  
2 snippet of the e-mail of her condescending, and it  
3 went on where, "Michelle questions my call activity,  
4 my response states that my schedule was Rosie, DSM  
5 visit to McAllen five hours south of San Antonio.  
6 Rosie advised that she became ill, Tuesday stated that  
7 she was still ill. So I made the decision to depart  
8 McAllen, drove back to San Antonio, and made myself  
9 available for joint calls if needed by my AEs. None  
10 of my AEs needed me which was good as I'm still  
11 working through the mess of outdoor management  
12 services. I normally schedule my AEs out six weeks to  
13 ensure that they have quality calls versus quantity,  
14 thus the reason to why none of my San Antonio AEs  
15 needed me for the days in question."

16 "I'm sorry, but I'm not going to make an AE  
17 make joint calls if they are sick regardless if I'm in  
18 San Antonio or in a different market. It's to the  
19 point that when I tell the truth, I'm reprimanded.  
20 This is not the first time that I've been reprimanded  
21 for telling the truth. Go back and forth and review  
22 my pending case. We are condoning an environment of  
23 dishonesty and lies."

24 Another little snippet from an e-mail. "I  
25 took her e-mail as condescending rhetorical format as

1 nothing was stated that she required a response. She  
2 reached out on Thursday, June 28th, 2019, requesting a  
3 response to her e-mail. I stated, I didn't realize I  
4 needed to respond. Rosie submitted a sick day  
5 request, and I approved."

6 Another little snippet from Michelle's  
7 e-mail. "Here again, her response was uncalled for.  
8 One, questions require a response. Two, she doesn't  
9 need to point things out to me. Three, I need to make  
10 joint sales calls and close business. I am not a kid.  
11 I have worked for FedEx for 25 years. I have bridged  
12 time from American Freightways. I've never been  
13 treated and/or talked to in this fashion. I have an  
14 impeccable record of 24 or 25 years being tarnished by  
15 Michelle and her false allegations."

16 Another little snippet. "So in my defense,  
17 which everyone requires me to provide versus taking my  
18 word, I have been on vacation three weeks out of May.  
19 I still ended up with 559 joint calls for the year."  
20 Jennifer Harris ended up with 726 calls. McElroy  
21 ended up with 664. Hickman ended up with 652. Conrey  
22 was 563. Holley was 559. Millner was 522. Callahan  
23 was 448. Golden was 439.

24 An actual snippet of the call activity.  
25 "Here's my FY '20 year-to-date call activity in line

1 with others, add in the missed calls from Rosie Garza  
2 averaging 13 calls, moves my number to 34." Another  
3 snippet.

4 And Mac turned around and responded to that  
5 on Friday, June 28th, saying, "Hello, Richard. I  
6 received your voicemail message yesterday. I can let  
7 you know that Michael is conducting the final  
8 interviews as he nears the end of the investigation.  
9 He will share investigation findings with senior  
10 leadership as well as other stakeholders. I regret  
11 that I'm not available today to discuss the e-mail  
12 that Michelle sent you which you have found  
13 unacceptable. I would like to learn more about this  
14 and can be available on Monday. Kindly forward  
15 Michelle's e-mail to me and Michael, letting us know  
16 your availability on Monday so we can schedule a time  
17 to discuss." And if memory holds me correct, there  
18 was never further conversation from that.

19 Q. Last one in your packet. We'll mark this as  
20 Exhibit 25.

21 A. Can I just say something real quick?

22 Q. Sure. Go ahead.

23 A. Just to point it out because I know this is  
24 about Jennifer. You asked me about Jennifer. When  
25 I -- because this was my -- so I said in my defense,

1 which everyone requires me to prove versus taking my  
2 word. I went through the system and pulled it out of  
3 the system, and it was funny that of all of Michelle's  
4 managers, Jennifer Harris was the highest one with  
5 joint sales calls at 726. Her ra-ra cheerleaders were  
6 the lowest in the group. Brian Golden, 439.  
7 Callahan, 448. Millner, 527. Hickman, 652. McElroy,  
8 664. Jennifer lead more -- almost a hundred more than  
9 the highest one of, as I deemed, Michelle's  
10 cheerleaders. I was on vacation three weeks out of  
11 the month of May. I only worked one month, one week  
12 in the month of May, and I came in with a respectable  
13 number of 559, and she's questioning my contribution.

14 I just thought that was odd that Jennifer  
15 lead the race, and Michelle still didn't appreciate  
16 any of her hard work, but that's beside the point.

17 Q. This is Exhibit 25. I gather Exhibit 25 is  
18 an e-mail from you to Mac. Not necessary for you, by  
19 the way, to read the whole thing into the record, but  
20 why don't you just tell me, why did you send that  
21 e-mail?

22 A. This was a deal to where -- just a minute.  
23 So basically this was an e-mail directed to Mac  
24 Chonoles, and I copied myself and Michael Clark. And  
25 it was all the allegations that I brought forth from

1 my EEOC and everything that they looked at, Michael  
2 Clark only picked one to choose from, and this was a  
3 very important part of my case because this was all  
4 the revenue of the Mexico border situation that wasn't  
5 taken into consideration which was reflecting my  
6 numbers. And basically, and I do want to read this  
7 because it went to Mac which was Michael Clark's boss.  
8 And I said, "Mac, I just wanted to say thank you for  
9 taking the time yesterday to listen to my concerns and  
10 allow this investigation to move forward."

11 MR. SANFORD: I don't think he needs  
12 you to read the whole thing.

13 THE WITNESS: I'm not going to read the  
14 whole thing. I'm just going to read this thing.

15 A. "I realize that I have presented a large  
16 amount of issues backing up my claim which is needed  
17 to give to you and Michael for a good representation  
18 of what has been transpiring since the appointment of  
19 Michelle Lamb. I know without a doubt, you and  
20 Michael will handle this investigation professionally,  
21 non-biased, and drive towards a resolution."

22 "With that being said, I know that you and  
23 Michael pick and choose what topics or questions you  
24 feel support the overall claim. However, in all  
25 cases, there are additional items that need to be

1 included as they support the original claim. For the  
2 most part, I have sent these items to you on Friday,  
3 April 19th, 2018, as individual e-mails for your  
4 reading and understanding the importance of the  
5 supporting documents. In addition to, items not  
6 covered that I feel is extremely important to my  
7 case." And all this was was all the Mexico stuff and  
8 how the revenue came into play, how the numbers didn't  
9 get adjusted, the border education, accusing me that I  
10 didn't do right, and just everything about Mexico  
11 which they never took into consideration of my EEOC.  
12 They only took one thing at the skip level. So that's  
13 why I wanted to read that to kind of give you an idea  
14 of why that was there.

15 Q. I understand. Let's mark Exhibit 26. And  
16 we've now gone through your whole folder, by the way.  
17 I'm going to give you your folder back.

18 MR. SANFORD: Can we take a quick  
19 two-minute restroom break?

20 MR. AHEARN: Sure. Off the record.

21 THE COURT REPORTER: Off the record.

22 (Off the record.)

23 THE COURT REPORTER: Back on the  
24 record.

25 Q. Exhibit 26 is dated November 1st, 2018. Do



1       you see that?

2           A.     Yes.

3           Q.     And she's relaying to you in this e-mail  
4       that she was disappointed that you hadn't reported the  
5       loss of the Allied Hand Dryer account. And then she's  
6       explaining that the loss of that revenue on top of the  
7       performance issues is a matter of concern for her. Do  
8       you see that?

9           A.     Uh-huh. Yes.

10          Q.     Do you -- now, you've already explained your  
11       dispute of the performance numbers and why you think  
12       those were deflated artificially, right?

13          A.     Correct.

14          Q.     So I don't want to talk about that. We've  
15       exhausted that. But the Allied Hand Dryer account, do  
16       you dispute that the account was lost on September  
17       1st, 2018, and you didn't report it to her until  
18       October 30th? Do you dispute that?

19          A.     It's been a long time. I'm not clear on the  
20       dates.

21          Q.     Okay.

22          A.     It may have been that time frame. I don't  
23       know. I don't have my calendar no more, my FedEx  
24       calendar. So I can't look. I know there was a gap,  
25       and the reason for the gap was she was never available

1 to talk. She wasn't in my market but maybe three  
2 times, four times that year.

3 She brought it up on a one-on-one not to the  
4 point of did you lose an account, but this went and  
5 coincided with another document I gave you to where  
6 she came in and she wanted to know if I had Patricia  
7 Arenivas on a letter because of the wine sales. And  
8 then she jumped into Adrian Morales, how come he's not  
9 on a letter. And I said, It's because he doesn't  
10 deserve it. We just lost an account. We just knew  
11 about it a couple days ago, a couple weeks ago. So I  
12 don't know if the time frames actually fit. And  
13 that's when I told her about Allied Hand Dryer, and  
14 she wanted his number, his e-mail, because she was  
15 going to contact and save this, and she never reached  
16 out to the guy. And then shortly after that, she sent  
17 me this letter, and in all honesty, I just took the  
18 letter and threw it because that's the way she  
19 communicated with me. She never could sit down and  
20 have a conversation about the rights or the  
21 wrongdoings. She'd just throw an egg at you and see  
22 if it hits.

23 Q. Let's mark Exhibit 27. Do you see  
24 Exhibit 27, sir? The first page of that document  
25 appears -- purports to be a letter of termination from

1 Michelle Lamb to you dated February [sic] 20. Do you  
2 see that?

3 A. Okay.

4 Q. The first page?

5 A. Okay.

6 Q. I'll ask you about the other pages in a  
7 second.

8 A. I never got this. So I don't know what it  
9 is.

10 Q. That was going to be my question --

11 A. I never received it.

12 Q. You never received it?

13 A. Because it's apparent right here, letter of  
14 termination for performance. She didn't terminate me.  
15 I retired.

16 MR. SANFORD: I think you said February  
17 20, and I think you meant January 20.

18 MR. AHEARN: I'm sorry.

19 A. Yeah, because it's dated January 20. That's  
20 when she met me Monday in the office, and she already  
21 had my retirement notice January 8th.

22 Q. Okay.

23 A. So how can she turn around and present --  
24 I'm going to hold my composure as much as I can. Once  
25 again, this is a falsified company document. This is

1 falsified. If HR and/or legal does not pursue this  
2 with Michelle, Dave Russell, Kristie Castilow, there's  
3 a problem. I was not terminated. I sent her a letter  
4 that I am officially announcing my retirement January  
5 8th at 7:29 in the morning. She didn't respond. She  
6 met me at NIRA, which is N-I-R-A, about three weeks  
7 later to where she walked in, and I gave her what she  
8 needed, and I walked out the door within five minutes.  
9 This is where she got Kristie on and said that I'm  
10 going to give you an ultimatum to resign in lieu of or  
11 I'm going to terminate you. And I said, Michelle, you  
12 can't, because I already gave you a letter that I'm  
13 retiring, and all I'm asking you to do is confirm a  
14 date. That's all I'm doing, and I walked out the  
15 door.

16 So how can an individual type up a letter  
17 like this, submit it to the company, that she's  
18 terminated me? Once again, she's tarnished my record  
19 with FedEx. This is a falsified document, and people  
20 at FedEx need to be held accountable. If I tried to  
21 get hired through some other company, and someone did  
22 an HR background, this is devastating to my employment  
23 career moving forward. And I do not take this  
24 lightly. And I'm trying to hold my composure as much  
25 as I can. This is what broke the camel's back today.

1 You don't know how much I'm upset with this. This is  
2 nothing but a false lie. And there's nothing you can  
3 say that is going to cool me off.

4 Q. I'm not going to try to. It's not --

5 A. This would be the same thing as that you  
6 resigned from the company for whatever the reason may  
7 be, and I turn around and wrote a letter that I  
8 terminated you. This is the reason why I couldn't get  
9 my retirement benefits. Because it was all screwed  
10 up. This is the reason why I was getting my  
11 retirement benefits, and all of a sudden, I didn't get  
12 it because I was showed terminated in the system, and  
13 I never could figure out why, and HR couldn't --  
14 retirement center couldn't figure out why. Now, it's  
15 exposed because she wrote a damn, blatant lie. And  
16 sorry for my French today. That is -- I'm just -- I'm  
17 madder than a hornet right now.

18 And I'm going to ask you, and whether you  
19 can or you can't, this is not a rhetorical question,  
20 but you represent FedEx in a legal profession, you  
21 take this upon yourself to question Michelle and get  
22 HR involved and get Michelle terminated from the  
23 company because this is a damn, blatant lie, and this  
24 is what I've dealt with for two years. This is what  
25 Jennifer Harris dealt with for two years. If she came

1 down, and nothing was stated prior to, and this  
2 meeting actually conducted itself, I would sit there  
3 and say wholeheartedly what I did is I resigned in  
4 lieu of, I would take ownership of that, but it didn't  
5 happen.

6 She, Dave Russell, wouldn't acknowledge my  
7 retirement on January 8th. Wouldn't respond to it. I  
8 gave you the document to where she responded twice,  
9 "Congratulations on your retirement. I will get back  
10 with you." "I'll get back with you on the 13th ASAP."

11 Q. That's the 13th of January?

12 A. 13th of January. She never got back with  
13 me. Her admin calls me, says she wants to meet with  
14 me. So I've had enough. I'm done. I'm exhausted. I  
15 bring all my stuff in. She already has the letter in  
16 hand that I've announced my retirement. Her, Dave  
17 Russell, Grant Kuhn, all of the people involved in my  
18 EEOC, her management team, which is my peer group, all  
19 the Houston DSMs and the Austin DSMs, my subordinates,  
20 my admin, all knew Friday the day before -- two days  
21 before Monday that I'm out of there, and it won't take  
22 five minutes because I'm done.

23 And the conversation lasted five minutes to  
24 where I told Michelle -- she's going to give me an  
25 option. I said, Michelle, you can't. I've already

1 done it. And I walked out the door. And then she  
2 wants to have the audacity to type this up and submit  
3 it to the company? That is nothing but a damn, false  
4 document once again.

5 And I am asking you, because I can't demand  
6 you because I don't work for you no more, to take this  
7 upon yourself, present it to HR, and question  
8 Michelle, how does a person retire with a document  
9 here? How did you terminate him? That's just a piece  
10 of paper, I grant. It's just wrong. How can you  
11 terminate him and tarnish his freaking record,  
12 Michelle? But that was her. Her and Dave Russell was  
13 nothing more than two vindictive damn people that if  
14 they didn't get their way, this is what they were  
15 going to do to get their way. I have held my  
16 composure all day, Chris, and I apologize for my  
17 attitude right now. But this totally pisses me off.

18 Q. I understand that.

19 A. No, you don't. You can say you do, but  
20 you're not in my shoes.

21 Q. Well, you've explained yourself.

22 A. This is totally uncalled for. I never could  
23 get corrections or anyone would ever tell me what  
24 Michelle did. I had rumors through the retirement  
25 center because there was so many errors with my

1 retirement program. I didn't get my money accordingly  
2 as my first plan because Michelle didn't submit the  
3 paperwork right. Six to eight months went by because  
4 I retired in January. I didn't get my first payout  
5 until March 1, or March 15th, somewhere around there.  
6 I missed February.

7 I had no insurance. I had no retirement  
8 insurance because they said Michelle never submitted  
9 the paperwork. I went 30/60 days with no insurance  
10 covering me, period, to where retirement turnaround  
11 said, Richard, if anything happens to you, pay with a  
12 credit card. We will totally reimburse you. I am  
13 blowing gaskets at the retirement center because I  
14 said, This is uncalled for. This is this damn --  
15 excuse me. This is this bitch that wants to play this  
16 game with people's livelihood, just as she did with  
17 Jennifer, and this is the piece of the puzzle that  
18 I've never been able to see until you presented it to  
19 me right now. That's the reason why I didn't get my  
20 retirement payout right. That's the reason why I went  
21 two months without any insurance. That's why the  
22 first year that when they finally got everything  
23 corrected, and I came back for my next year, my health  
24 benefits, where I have to enroll, they said they can't  
25 enroll me probably because I've been terminated. And



1 I'm like, what are you talking about? I've been  
2 getting benefits from you since this year. And it  
3 became this big investigation.

4 They came back and said, we're sorry. We  
5 don't know how it happened. We're going to put you  
6 back in the system right away. If I didn't retire,  
7 why did FedEx give me a stipend for my insurance of  
8 about 18-, \$19,000 to help supplement the rising cost  
9 of insurance, of health care? Because when I was  
10 under FedEx, my health care insurance was about 50 to  
11 \$60 out of my paycheck twice a week -- twice a month.  
12 When I retired, my insurance went up to \$1,201 per  
13 month. That's a far cry from \$100 to over \$1,000. So  
14 FedEx offered this stipend which gave me like \$18,000,  
15 \$19,000 which I could supplement and offset my  
16 insurance. They also turned around, because I  
17 retired, they gave my wife 25,000 as a stipend to help  
18 pay for her insurance.

19 So if I didn't retire, why did FedEx give me  
20 all my retirement benefits? Once again, this is  
21 nothing more than a damn, blatant lie, and I want to  
22 know who I can pursue within your company, if you're  
23 not going to take it upon yourself, that this thing  
24 becomes evidence. This becomes light, and I want an  
25 investigation brought forth. If not, I will seek

1 legal somewhere. Because this is nothing more than a  
2 damn, blatant-ass lie. And now you know how mad I am.

3 Q. May I interject with a question?

4 A. Yes.

5 Q. All right. So I hope you understand, my  
6 purpose in giving you that document was not to upset  
7 you. My purpose was to ask you questions about it.

8 A. And I understand that. Because this is  
9 exactly what she presented to the company, that ha ha,  
10 I retaliated against him. He retired. He gave me  
11 total hell. He filed an EEOC. He made me look bad.  
12 He made Dave make bad. We got together. We got in  
13 cahoots with one another, and we got rid of his ass.  
14 Ha ha ha, the last straw is, I'm going to show that  
15 he's terminated.

16 Q. Okay. So let me ask you a question, and I  
17 think you said this. So this is -- I think we're on  
18 Exhibit 27, right?

19 A. Plus I never got a copy of it.

20 Q. That was going to my question. So my  
21 question to you is --

22 A. Never got a copy to sign or nothing.

23 Q. So today was the first day you've seen  
24 Exhibit 27?

25 A. First time it's ever laid eyes on me. And

1 this is why I'm looking through all the pages because  
2 I have no clue what you're talking about.

3 Q. Okay.

4 A. And here again --

5 Q. And I'm only asking --

6 A. And I want time to read this because this is  
7 really upsetting. But here again, right here where  
8 it's CCd in, Dave Russell, Vice President of sales.  
9 Dave Russell knew that that letter went to his desk.  
10 It went straight to him when I retired. How can a  
11 damn VP turn around and allow an individual to write  
12 up a termination which is totally false? How can  
13 Kristie Castilow, HR? And HR is supposed to be  
14 non-biased. Sit there and say, Michelle, under the  
15 rules, as mad as you are, under the rules -- as  
16 vindictive as you are, under the rules, of how much  
17 hatred you carry towards this guy, under the rules,  
18 you cannot terminate someone in the system if they  
19 officially gave you a Word document that states their  
20 intentions of leaving the company especially with  
21 retirement.

22 It's written out, A, B, C, clear as mud. It  
23 outlines everything, and all it's asking you is May  
24 31st -- I mean, March 31st, okay with you? HR, like I  
25 said earlier, doesn't do anything for an employee.

1 They do it all internal, and that's exactly the reason  
2 why I filed the EEOC because of Michelle, Dave, and my  
3 EEOC that went down, HR didn't give a rat's ass about  
4 it. They picked only the items that they wanted to  
5 pick, which was the skip level meeting. Because if HR  
6 took everything that I gave and shared to you today,  
7 without a doubt, the first document that I gave you  
8 when she turned around and put my infractions in  
9 quotation marks, anyone with the right sense, anyone  
10 with the HR, non-biased professional, doing their job,  
11 they would have gotten Michelle and Dave Russell in  
12 the office and said, First of all, this is a falsified  
13 document. Regardless if it was meant to. Regardless  
14 if it wasn't meant to. This is a falsified document,  
15 and the FedEx code of business ethics, we will not  
16 tolerate falsification. And unfortunately, because  
17 you falsified both, you're going to be terminated  
18 today.

19 That didn't happen, but instead they created  
20 nothing but total hell for me for almost two years to  
21 where it affected me mentally and affected my health  
22 to where I finally gave in and gave up. I could have  
23 fought this, but I was totally exhausted because of  
24 all the lies, all the accusations of what Michelle and  
25 Dave were doing. I left the company, and I pondered

1 about seeking legal action to file a lawsuit against  
2 FedEx. And I didn't. And the only reason why I  
3 didn't was because my son worked there, and I could  
4 not afford him, that's working for FedEx, supporting  
5 his wife, his two kids, for Dave Russell and Michelle  
6 Lamb, as vindictive as they are, to come back after  
7 him in a roundabout way and get him terminated. So I  
8 dropped it, and I sat on it.

9 You don't know how mad this is making me,  
10 Chris. I've held my composure all day long. This is  
11 nothing more than a damn, false lie, and a question  
12 again is how can people lie and keep their jobs. And  
13 people that tell the truth and follow all the policies  
14 and procedures in the company, without a doubt, who  
15 I'll never question, get chastised, get threatened,  
16 get bullied, get discriminated against, retaliated  
17 against, to where I quit, resigned from the company,  
18 and these two assholes are living and still having  
19 their jobs. Dave Russell left with all the big kudos,  
20 the big retirement party, and Michelle is still  
21 working within the damn company spreading her lies and  
22 everything else.

23 So how many people -- and I know you don't  
24 answer this deal. You don't know. And I'm not asking  
25 as a rhetorical question, and if you can answer, if

1     you can, if you can understand, but how many people in  
2     the company, HR, that has known me for 25-plus years  
3     saw this letter and then turned around and started  
4     communicating with internals within and saying, Did  
5     you know Richard got fired today? You talk about a  
6     virus that spread it? That's a virus that spread it  
7     within the Taj Mahal of FedEx. I had more contacts  
8     and more communications over 25 years than Michelle  
9     could ever create in 50 years because of her ignorance  
10    and her dense mentality between her two fricken ears.  
11    And how many of the people -- did the people see, and  
12    how did this spread amongst the corporate office that  
13    Richard got terminated today? And she didn't even  
14    have the audacity. Dave didn't have the audacity to  
15    make sure I got a copy of this where I can contest it  
16    right then and there.

17           Three-plus years later, I see it for the  
18    first time. It's the last document that you want to  
19    throw at me. And I have been cordial. I have been  
20    professional. I have answered everything in my best  
21    capacity that I could. I have never lied. I have  
22    told everything to the truth that I can best  
23    recollect. I have been probably one of the more  
24    courteous individuals that you've ever dealt with in  
25    quite some time. I expressed my apologies to her

1 before I even walked in and started because if there  
2 was any profanity -- because that's the way I've  
3 raised -- and I get to have this as a bald-faced, damn  
4 lie thrown at me. And all you want to do is sit there  
5 and just look at me. And I know you can't say  
6 anything because you're a legal defense for FedEx.  
7 But something needs to be done with this, and I am  
8 going to request a copy of this. Because if you don't  
9 know anything about it, someone from FedEx doesn't  
10 call me and say, Hey, we're totally sorry about this.  
11 Sorry, we're going to rectify. We're going to tarnish  
12 your record, whatever you need, I may pursue legal  
13 action over this. This is nothing but a falsified  
14 document.

15 Q. And your attorney has a copy of it.

16 THE WITNESS: Do you have a copy of  
17 this? Now, he does. Have you seen this before?

18 A. So Chris, let me just kind of flip this a  
19 minute. Put yourself in my shoes for the entire  
20 thing. Just as any jury out there. And we've gone  
21 through everything that you talked about today, and  
22 here's this nice guy. He's testifying. He's doing  
23 all this. You're the one that's testifying. And  
24 you're telling everything to the best ability that you  
25 possibly can. And all of a sudden, I'm the defense

1 attorney for FedEx, and I come over there and I say,  
2 Well, Mr. Holley, you know, I'm glad you shared  
3 everything that you shared with us today. But  
4 however, we have a letter of termination for you. So  
5 how can you sit there and say you're retiring? Do you  
6 not think that you'd go ballistic? Do you not think  
7 this would be a false allegation that was presented to  
8 your face that never happened? Do you not think that  
9 something should be done about this? And it's yes,  
10 yes, yes. And I'm sorry to put you on the stand. I  
11 know I'm not supposed to do that. But you just don't  
12 understand how upsetting this is. This is, like I  
13 said, over and over again, nothing but a bald-faced  
14 lie.

15 Q. May I interject for a moment?

16 A. Sure.

17 Q. I think you've made your feelings clear.  
18 You're right. I can't respond to your questions  
19 because of what my role is in taking this deposition.  
20 So I don't intend to be rude. But that's simply not  
21 something that I can respond to while we're sitting  
22 here on the record right now. I do want to ask you a  
23 couple of questions. I'm going to give you time to  
24 read the second and third pages which I know you want  
25 to read, but can I ask you a couple more questions



1 about the first page first? I'm not trying to argue  
2 with you. I just want ask you a couple of factual  
3 questions.

4 A. And do you know with this -- I'll say one  
5 more thing, and then I'll let you go. Do you know  
6 with this that I became a non-hirable, re-hirable back  
7 for FedEx? Do you know that?

8 Q. Again, I can't explain whether I know it or  
9 not.

10 A. I'm just telling you rhetorical. Because  
11 with this document, even though I'm retired, and I  
12 left in good faith with good years of service, even  
13 though the last two years were a total hell with my  
14 life with Michelle and Dave, that if I turned around  
15 and decided that I wanted to go seek employment with  
16 the FedEx through one of their offices across the  
17 world, whether it's a ground package handler, whether  
18 it's a freight handler, whether it's an express  
19 handler, whether I wanted to get back in sales, it's  
20 whatever the plethora of jobs out there that FedEx  
21 has, they pull up my file and they see this, you know  
22 I'm not re-hirable because I was terminated. And this  
23 is in my file. That has tarnished my entire career,  
24 my entire security, my entire monetary income if I  
25 ever try to pursue it, because I couldn't pursue it

1 because she put in the record that she terminated me.

2 Q. Let me ask you this question: So -- and  
3 again, I'm still just asking you about the first page  
4 of Exhibit 27.

5 A. I didn't even read it. I saw the first,  
6 letter of termination, but go ahead. "You are to  
7 immediately surrender your employment identification,  
8 proxy card" --

9 Q. Go ahead. Just let me know when you're  
10 ready for me to ask you the next question.

11 A. Sorry.

12 Q. You don't have to apologize. I understand  
13 why you're upset. So it sounds to me like -- I want  
14 to make sure I have the timeline down in terms of how  
15 things proceeded procedurally with respect to your  
16 departure from the company, okay?

17 A. Okay.

18 Q. And I'm to some degree paraphrasing  
19 testimony that you gave this morning. So if I screw  
20 it up, let me know. All right. So my understanding  
21 is that you, in part due to -- well, due to your  
22 frustration with your experience with Michelle, made  
23 the decision on your own to retire, correct?

24 A. Correct.

25 Q. And so no one suggested that to you. No one

1 said, Hey, you should retire, or we're going to fire  
2 you. Your testimony is that it was your decision on  
3 your own independently, correct?

4 A. Yes, I was seeking advisement from  
5 retirement back in November. That's almost two months  
6 before.

7 Q. And then at some point between November and  
8 it sounds like in early January of 2020, right, you  
9 announced Michelle Lamb your intent to retire,  
10 correct?

11 A. When I wrote the e-mail to her was January 12  
12 8th, 2020.

13 Q. Okay.

14 A. When I talked to retirement back in  
15 November, my plans were to retire at the first of the  
16 year. I didn't have a date because they told me they  
17 couldn't discuss the entire packet unless I gave them  
18 an actual date.

19 Q. So you had given them the date of March 31st  
20 in the November/December time frame, right?

21 A. No. I told them, I'm going to explore what  
22 my avenues for retirement, what needs to take place.  
23 They said, What date are you looking at? I said  
24 somewhere in January, maybe the first of the year.  
25 And they I said, Is it going to be like December 31st?

1 I said, No, probably January somewhere because it's  
2 easier, whatever.

3 And so there was no time frame given to the  
4 retirement people. It was just the conversation is,  
5 Richard, when you find that date out, let us know  
6 because that is a very crucial part of your retirement  
7 because we need to know that date with precision.  
8 Because if you retire on -- I'm just going to use  
9 March 31st. If you announce your retirement that your  
10 exit of the company is March 31st, we have to make our  
11 retirement packet to reflect your exit date of March  
12 31st. If you exit March 30th and/or April 1, the  
13 packet is void and null because it's not the actual  
14 exit date that you and I talked about.

15 Q. So then you had to agree -- the process then  
16 was you had to agree with your manager, Michelle at  
17 the time, on a date?

18 A. Correct.

19 Q. So when you e-mailed her on January 8th,  
20 2020, it was in part to initiate a discussion with her  
21 to get agreement on a date?

22 A. Correct.

23 Q. Which you were proposing to be March 31st?

24 A. Correct.

25 Q. And then sounds like you're saying that her

1 reaction to that was to try to initiate a termination  
2 process against you, correct?

3 A. At that time, no. Because if you look at  
4 the document I gave you, and I don't know which  
5 document it is, my retirement letter, she responded  
6 that same morning acknowledging my retirement, and "I  
7 will get back with you with the next steps." A week  
8 transpired. Never heard from her, which is around the  
9 13th, and she said, "I'll get back with you ASAP."  
10 She never did.

11 Her admin called me and said, Michelle wants  
12 to meet with you January 20th in the afternoon. That  
13 was the only interaction I had that I had a confirmed  
14 date that Michelle's coming in. At that point, I've  
15 already made up my mind, I'm done with her. I'm done  
16 with her games. She doesn't want to act like an  
17 adult. She doesn't want to act like a professional.  
18 I'm out of here. Have a great day. Done. And I took  
19 all my stuff with me, and I had it right there on  
20 January 20th at 3:00 in the afternoon. 3:00, 3:30, it  
21 was right there.

22 Q. You said all your stuff was right there?  
23 What do you mean?

24 A. My laptop, my keys, my badge, everything  
25 that I had to surrender to FedEx, my credit card for

1 my expenses, everything. It was right there on top so  
2 I could surrender it to her and walk out the door. I  
3 wasn't there five minutes.

4 Q. So you had gotten a request from Michelle's  
5 administrative assistant to meet with Michelle on  
6 January 20th, yes?

7 A. Yes, in the afternoon, around 3:00 at NIRA,  
8 which N-I-R-A.

9 Q. Did the administrative assistant explain to  
10 you what the purpose of that meeting was going to be?

11 A. No, she said, She wants to meet with you to  
12 talk about your retirement.

13 Q. Now, it -- and you've got to help me out  
14 here because I wasn't involved in the situation. So  
15 you, it sounds like -- what you said was, and I'm  
16 paraphrasing again, hopefully fairly, that you  
17 basically said, I don't want to go to that meeting.  
18 I'm done with Michelle. I don't want to have any more  
19 of her nonsense?

20 A. Never said that.

21 Q. All right. Well, what -- okay. Let me ask  
22 you this --

23 A. I met with Michelle --

24 Q. You did meet with her?

25 A. -- on January 20th. I had no options. I

1 was done. I had to surrender my stuff. I can't just  
2 leave it somewhere and say, Go pick it up. She was my  
3 direct manager. That's the only one I can resign to.  
4 I've got to turn in things. So I met with her. The  
5 Friday before is when I called all of my people and  
6 told them that Monday afternoon at 3:00, I will no  
7 longer be in the capacity of employment with FedEx.  
8 I'm moving on. I'm done.

9 Q. You're resigning?

10 A. Yeah, because all of them already had my  
11 letter from January 8th that I'm leaving. Because all  
12 of my group and all the other e-mail I sent to all my  
13 people across the system of saying my farewells and  
14 goodbye, they were all under the impression that I was  
15 leaving on March 31st because that's what it said in  
16 my retirement letter. So she would never acknowledge  
17 it. Dave never acknowledged it. So then she came  
18 down. Her admin set up an appointment for me to meet  
19 Michelle on January 20th around 3:00. And that's when  
20 I went. I met with Michelle. I had no other way to  
21 do it. I'm already done. I'm out of here. And  
22 that's when she turned around and she got Kristie  
23 Castilow, which is on this. She's another person  
24 that's falsifying. Got her on the phone, and Michelle  
25 turned around and said, Richard, I'm going to give you

1 an ultimatum. You can either retire -- resign in lieu  
2 of or I'm going to terminate you. I said, Michelle,  
3 you can't do either one of them because I already gave  
4 you a document in January that I'm retiring. I said,  
5 I'm done with you, and I walked out the door. And she  
6 said, well, you need to give me something that you're  
7 leaving, which we have to. So I scribbled on a piece  
8 of paper. In all honesty, Chris, I don't even know  
9 what I wrote other than I think I said, I resign. And  
10 I walked out the door. I wasn't there five minutes  
11 with that airhead. And then she had the audacity to  
12 type this up.

13 Q. Okay. My next question would be: So your  
14 testimony is that she did not present you with Exhibit  
15 27 in the January 20th meeting, correct?

16 A. She didn't present me not one piece of  
17 paper, nothing.

18 Q. Did anybody -- did anyone at FedEx infer to  
19 you or give you information leading you to believe  
20 that you were going to be terminated?

21 A. No.

22 Q. So the first information that you got that  
23 you were being asked to resign in lieu of termination  
24 or that you were going to be terminated or something to  
25 that affect was when you were meeting with Michelle



1 Lamb on January 20th, 2020?

2 A. Correct. And it was a statement that came  
3 out of nowhere.

4 Q. Let me ask you this question: So you had  
5 submitted the retirement paperwork already, correct?

6 A. Which paperwork?

7 Q. Well, you had submitted -- not confirming  
8 the date, but you had submitted a notice of your  
9 intent to retire, right?

10 A. The e-mail to Michelle, Dave, and the people  
11 I included on the e-mail, because that's the first  
12 step of retirement, I have to declare it. HR  
13 retirement benefits will not start, will not produce,  
14 will not start to work on my packet until I can give  
15 them a confirmed actual departure date.

16 Q. I understand.

17 A. That's the first process of the step, my  
18 e-mail to Michelle which she ignored until January  
19 20th, that afternoon.

20 Q. So --

21 A. I left, and then I called when I got home.  
22 I called retirement, and I said, I will make this easy  
23 for you. My exit date was today. I walked out.  
24 That's what I used on my retirement.

25 Q. That was going to be my next question which

1 is that the retirement people eventually processed  
2 your termination as a retirement --

3 A. It wasn't a termination.

4 Q. I'm sorry. They processed your --

5 A. Retirement.

6 Q. -- retirement. with an effective date of  
7 January 20th?

8 A. Yes, that's what it was.

9 Q. And as far as you know, or at least your  
10 understanding up through today, from the retirement  
11 folks was that your separation from the company was  
12 not an involuntary termination, it was a retirement,  
13 at least insofar as the FedEx records are concerned?

14 A. Correct. Because under the FedEx policy,  
15 the business ethics and guidelines, if you are  
16 terminated from a company, you are not qualified for  
17 retirement benefits. It's simply stated in there. I  
18 got all the benefits. So if I got the benefits, how  
19 did I get terminated?

20 Q. So is it a possibility then that Exhibit 27  
21 is just a draft that was never submitted or  
22 implemented?

23 A. I have no clue. This is the first time I've  
24 ever seen this. But if I look at this, and I read her  
25 deal -- and here's the problem I have with this, and

1 this is -- it's a bald, blatant lie. She's advising  
2 that my employment was terminated on January 20th.  
3 I'm to immediately to surrender all my personal  
4 belongings, and if I have any problem with this being  
5 unfair that I can start the EXPLORE process. If she  
6 presented this letter with me, I would have  
7 immediately jumped into the EXPLORE process, and I  
8 would have won the EXPLORE process hands down because  
9 of one document, and that one document being that I  
10 sent her January 8th, 2020, that I'm officially  
11 announcing my retirement.

12 Q. Okay.

13 A. I would have one it hands down. No  
14 questions asked. And she did that. I had this. So I  
15 couldn't pursue this for her. I didn't care because I  
16 retired. Then if you have any questions call Kristie  
17 Castilow. Why would you put Kristie in there?  
18 Kristie is signing off on a forged document,  
19 falsified. If I "disagree with anything contained in  
20 this document, you may submit a written statement  
21 explaining your position." Never had the opportunity  
22 to because it was never presented. Then she turned  
23 around, and -- do you see a signature on there? I  
24 didn't sign it because it was never presented to me.

25 Q. Michelle didn't sign it either, right?

1           A.    I don't know. I've never seen it. This is  
2   the first time. The other thing is that tells me this  
3   is true, because this reason right here, this is the  
4   termination records which is page 2 is what she has to  
5   fill out in the system in IDM, which is our management  
6   system, that starts the process of an exit of an  
7   employee whether they resign, whether they resign in  
8   lieu of, whether they're terminated, terminated with  
9   subcategories and stuff, she has to fill that out.  
10   That's what starts the process to remove me from all  
11   the systems, and all the acknowledgments, and all the  
12   securities, and everything with FedEx. No one can do  
13   that but her because I'm her direct report. Just as  
14   when people left me, I would have to go into IDM and  
15   create this document because that's the separation  
16   papers. That's what stays in the system. This is  
17   what I tell the system, and this is what I tell  
18   everybody within the world of FedEx, the reason why  
19   John Doe or Jane Doe left the company is because of  
20   this. So here's another bald, blatant lie that she  
21   put in the system that I was terminated.

22           Q.    Let me ask you a question about the --

23           A.    This is part of next page.

24           Q.    Yeah.

25           A.    She has to fill it out.

1           Q.    I actually was going to ask you a question  
2    about this page.  It's identified as page 2 in the  
3    lower right-hand corner.  There's a list of employees  
4    there?

5           A.    Okay.

6           Q.    You see there, it says, Richard Holley,  
7    Brian Golden, Jaime Golden-McElroy, Casey Millner,  
8    Brian Conrey, and Brian Hickman?

9           A.    Those are her reports, not mine.  That's my  
10   peer group.

11          Q.    I understand.  Let me get to my question.  
12   My question is:  To your recollection, is that an  
13   accurate and complete list of the people who were  
14   reporting to Michelle Lamb at the time in January of  
15   2020?

16          A.    Okay.  There's Golden, McElroy.  That's  
17   Austin.  There's Casey.  Yes.

18          Q.    So we never talked about Matt Wheeler.

19          A.    No.

20          Q.    Was -- to your recollection, was Matt  
21   Wheeler part of the cheerleading squad, or was he --

22          A.    Matt was newly hired.  He had no clue of his  
23   job.  He was an account manager that never went to  
24   anything, and he just got promoted because it was part  
25   of Michelle, and she could run it.  The interesting

1 thing about this is that if you look at the block  
2 there with her peer group, her subordinates, look at  
3 the very two last columns. Corrective action, Richard  
4 Holley, Yes. Prior 2 years, over plan, 0/8. No  
5 consideration of Mexico. Look at Brian Golden, 5/8.  
6 No corrective action. Look at Jaime Golden, 2/8, no  
7 corrective action. Look at Casey Millner, 0/4, no  
8 corrective action. Conrey, 7/8. He was her best  
9 account -- DSM she had because he had the Arctic  
10 account. Look at Brian Hickman, 3/8, no corrective  
11 action. Look at Matt Wheeler, 3/8, no corrective  
12 action. Why did I get corrective action and nobody  
13 else did? Rhetorical question for you.

14 This is where I'm trying to paint the  
15 picture of Michelle. She wasn't consistent in her  
16 job. The job was well over her head. She was  
17 immature, and she had nothing between her ears. The  
18 only way that she became in her job was the ra-ra  
19 cheerleader to drive up bogus stories of success to  
20 Mullally and Russell to sit there and paint the  
21 impression that she's getting involved in doing  
22 everything. I had less communication with her than  
23 anybody. That's another example of her  
24 inconsistencies with HR. If these people were under  
25 plan, and I will just give it four quarters. If

1 they're under plan, that's one full year of not being  
2 on plan, they should have been on a letter. No if,  
3 ands, or buts. That's company policy. That's four  
4 consecutive quarters people were not on plan. None of  
5 them were written up.

6 And poor Jennifer Harris goes to president's  
7 club, works her tail off, and she gets terminated.  
8 Richard Holley, 60 years or older, works his ass off,  
9 nothing but good intentions, finally throws in the  
10 towel and retires out.

11 And so going back to a question you asked  
12 earlier, is Michelle a racist? She damn sure is  
13 because right there, it's black and white right there.  
14 Because whether she's a racist and whether it falls  
15 under black, white, yellow, green, orange, or  
16 whatever, that is her group with nothing but young,  
17 white females and males. And none of them are written  
18 up. None of them are put on a plan. She had to type  
19 this document. This paints a picture in corporate  
20 FedEx that Richard Holley was nothing but a problem.

21 So to answer your question, yes, this is a  
22 document, a company-driven document, that she had to  
23 put in the system to remove me from IDM. Nothing but  
24 lies.

25 Q. What's IDM?

1           A.    It's a management software that we used.  
2    You know it more than I do.

3           Q.    Actually, I don't, but --

4           A.    It's IDM.  It's where I have to turn around  
5    when I hire, all the paperwork goes through IDM.  I  
6    give you computer access.  I deny your access.  I  
7    grant you access to whenever I want to, and when you  
8    terminate, that's where I start my process in IDM to  
9    remove you from all the FedEx systems that you have  
10   privy to or access to.

11                   The third page is where she turns around --  
12   so you asked me a question.  And I'll go back to the  
13   first page because you asked the question:  Well,  
14   Michelle never signed it either.  So if you look on  
15   page 3 -- no, on page 4.

16           Q.    Yes.

17           A.    It goes down to the formal complaint,  
18   identify and explain them.  "An internal EEOC was  
19   initiated by Richard Holley."

20           Q.    Yeah.

21           A.    The final paycheck is 1/27.  There's where  
22   your Michelle Lamb signed that document, that  
23   falsified document.  There's her signature on page 4.  
24   Because she had to implement, and she had to close  
25   this out to remove me from the system.  So you wanted



1 to know if Michelle signed it. Michelle created it.  
2 There's your black and white. There's your proof.

3 Q. All right. Do you have anything more to say  
4 about Exhibit 27 because I was going to move on to a  
5 couple of other questions before we wrap this up.

6 A. Go ahead. I think I've exhausted this one  
7 here. This is unbelievable, and I don't know how many  
8 times I can sit here, and I don't know how many times  
9 I can express it in how many forms, how many words,  
10 how many phrases, whatever. You can sit there and  
11 say, I understand, but you don't. You can sit there  
12 and say, I feel the compassion for you, Richard, which  
13 you're not going to say, but, Chris, you don't. You  
14 can sit there and say, Richard, I'm sorry. You don't.

15 That was nothing more than a retaliating  
16 gut-wrench from her. That was her last step of taking  
17 a knife, sticking it in my back, and saying, Ha ha, I  
18 won. I'm going to make your life miserable now.

19 Tarnished my record for two years. Tarnished me for  
20 any future employment with FedEx even though I retired  
21 from FedEx with 25-plus years of service.

22 Non-rehirable all because of her, Kristie Castilow,  
23 and Dave Russell. And I'll leave Kristie Castilow out  
24 of it because she's only the HR representative that  
25 didn't do anything.

1 But you get Dave Russell and Michelle, and  
2 they are in cahoots with one another to have what they  
3 want, and they don't care what they have to do to get  
4 what they want. They are the most manipulative,  
5 condescending, arrogant, egotistical, I could use  
6 adjectives all day long. And they work in cahoots  
7 with one another to get what they want. And that is a  
8 total shame. And Dave Russell should have the balls  
9 to sit there and call out Michelle and say, We are not  
10 doing this. But he allowed that to go down.

11 Jim Wallace allowed it. All the people in  
12 HR allowed it. And I can go to all the people in HR.  
13 They were a direct report which was Michael Clark, Mac  
14 Chonoles, Adrian Webster. These are levels of people  
15 that I've escalated to because nobody would answer my  
16 questions. I even went to the right-hand person of  
17 Fred Smith that runs the whole operation of HR, Judy  
18 Edge. She would never return my phone call. It  
19 started to filter down.

20 Q. Did you ever leave her a voicemail?

21 A. I left her voicemails and everything. The  
22 only one that returned my call was her admin saying  
23 that Judy doesn't take phone calls. What to you need?  
24 And she pointed me in a different direction. This was  
25 all after retirement because of everything I was

1 running into problems with.

2 The people from retirement finally wrote me  
3 a letter saying they apologize for all the  
4 inconveniences that ever has been done with my  
5 retirement deal. They were floored that how can a guy  
6 retire. How can a guy's retirement packet not be done  
7 on time. We missed his first retirement check. He  
8 went on retirement two months without any type of  
9 insurance.

10 How would you like your family to be -- you  
11 exit a company for retirement, and you leave your  
12 company, and all of a sudden your family does not have  
13 any insurance? I think you might be a little upset.  
14 Which I did. I called retirement, and they said,  
15 Richard it's a clerical deal. We don't understand.  
16 Michelle's not turning the paperwork in right. We're  
17 going to have to address that. If you run into any  
18 situation with medical, pay it on a credit. We'll  
19 totally reimburse you 100 percent. And I said, that's  
20 not the point. I said, what happens if I had a heart  
21 attack? What happens if I'm involved in a car wreck,  
22 and I'm in a hospital, and the bill is \$300,000, or a  
23 million dollars. I don't have a credit limit like  
24 that on my credit card. I said, what if I die  
25 somewhere? Are you going to go ahead and repay my

1 wife?

2           They knew I was upset, and they said,  
3 Richard, we're going to fix this for you. We promise.  
4 Which they did. I commend them for doing it. It was  
5 a lot of barriers that we went through. And I knew  
6 without a doubt -- I never could prove it. I knew  
7 without a doubt, Michelle did her last vindictive  
8 thing against me just to say that she won, and her and  
9 Dave Russel high-fived one another and probably did  
10 whatever else they're doing with one another to sit  
11 there and say, we showed him, didn't we? And I'm the  
12 only one that suffered.

13           And now you take my situation, now roll it  
14 into Jennifer Harris', because Jennifer Harris was ten  
15 times worse than what I got throughout the two years.  
16 This is the climax of what Jennifer Harris did for her  
17 tenure with Michelle, being bullied, targeting,  
18 discriminating against Jennifer because she didn't  
19 like her for whatever the reason may be. She came  
20 after me in the same regard. She didn't like me  
21 because I was her elder. I knew more than her, and I  
22 intimidated her from day one. I wasn't her ra-ra, and  
23 I wasn't her cheerleader. And all the ra-ras -- if I  
24 can borrow this one more time.

25           Q.     Sure.

1           A.    That document number 27.  If you go to  
2   page 3, right there, there's the ra-ras.  All the  
3   single white -- all the white females, all the white  
4   males in Michelle's age bracket.  They've got their  
5   jobs.  They're not on plan, and she had to fill this  
6   out, and none of them were on corrective action.

7           So you asked me if Michelle's a racist?  She  
8   damn sure is.  Because if anything's consistent with  
9   HR and human resources, they always preach, and they  
10  practice, and we educate over and over again that you  
11  have to remain consistent in your district.  We have  
12  to remain consistent in our company.  And I can't tell  
13  you how many courses of education I've taken over the  
14  years with FedEx with a reminder of the code of ethics  
15  of FedEx.  It's a CE that we have to take.  And it's  
16  yearly.  You have to sign off on it and get reeducated  
17  year after year after year.  It's the code of ethics.  
18  And that's exactly what it is, and it basically  
19  explains that we have to be consistent in our jobs.  
20  We will not accept and/or honor a hostile work  
21  environment.  We will not be racist.  We will not  
22  discriminate because of whatever the case may be, and  
23  they just list them, and you go through this thing.  
24  And I'm sure you've taken it.

25          Q.    I'm familiar with it.

1           A.    Yes.  This is an example right here.  
2   Where's her consistency?  Why isn't her little  
3   cheerleading group on corrective actions?  Why was  
4   Jennifer and I the only ones on corrective action?  
5   Because Michelle didn't care for Jennifer, and  
6   Michelle didn't care for me.  And here we go with all  
7   the whites in there, the white males, the white  
8   females, nothing.  And where are they at today?  They  
9   still have their job.  Where's Jennifer today?  She  
10  got chastised, blackballed from the company.  She's  
11  not rehirable for the company.  She had to go out and  
12  search for a job.  She struggled.

13               I left.  I didn't have to go look for a job  
14  because of my savings over the years on my retirement.  
15  But if I ever tried to go back, which a lot of people  
16  do that resign from FedEx, a lot of them go back and  
17  become handlers, package handlers, whether it's  
18  ground, whether it's freight, or whether it's express,  
19  because they hire what they call supplementals.  It's  
20  a part-time job.  And I can go in there to freight,  
21  and I can go work four hours a day as a part-time job  
22  to supplement my income at almost \$24 an hour because  
23  I'm a retiree.  And do you know, they would have  
24  pulled up my file and saw this, and they would have  
25  told me, Thank you, but no thanks.  Because they can't

1 hire me because I've been terminated. That is totally  
2 uncalled for. And I hope you understand what I'm  
3 saying.

4 Q. Your understanding is that you're -- just to  
5 be clear. Your understanding is that your -- from the  
6 retirement folks is that your separation was processed  
7 as a retirement not as a termination, correct?

8 A. That's what I'm saying. If they assumed  
9 that I was terminated, I wouldn't have gotten my  
10 benefits. So that's why I said, this document is  
11 false. And all I'm asking you is to do the right  
12 thing. If you've never done anything in your life --  
13 and I'm sorry to say this to you, but this is how  
14 frustrated how I am -- if you've never done anything  
15 for the good, take it upon yourself and do the right  
16 thing for the first time in your life. Pursue this,  
17 and ask, Why was this guy terminated when he gave you  
18 a letter in January 20th? Why did you sign this,  
19 Michelle? Why did you investigate this Michelle? I  
20 want to know why. Bring the people in HR. Do the  
21 right thing. I've never asked anybody in my life for  
22 a favor, and I'm not asking you for a favor, but what  
23 I'm saying is, Chris, do the right thing. You are the  
24 employee. You're an attorney that represents the  
25 company. This is nothing but falsification. This is

1 the third document that I presented to you -- or the  
2 second -- I presented you two. This is the third one  
3 that I've seen where she has falsified documents, and  
4 she still works for the company today. I can't tell  
5 you to do it, but I'm just telling you, your soul,  
6 your conscience, do the right thing. That's all I'm  
7 going to say. Do not answer the question because I do  
8 not want to put you in jeopardy of saying yes or no.  
9 It's a rhetorical. All I'm telling you is do the  
10 right thing. Because this is nothing more than a  
11 retaliated act. And this is the prime example of what  
12 she did to Jennifer, and what she did to me. And  
13 that's the reason why Conrey left because Michelle  
14 Lamb turned around and said, The problem with you is  
15 you'll never know how to work for a woman. She's very  
16 manipulative. I'm so mad I can't even talk right now.

17 Q. You meant to say manipulative?

18 A. Yes. And I just -- I want to be done with  
19 this, but it's like a major kick in the ass. The  
20 final straw. Oh, let me show you this. Oh, by the  
21 way, did you see you were terminated? Final kick. I  
22 assumed I was this, but I never could prove it until  
23 today.

24 Q. Okay. All right. Thank you. I hope you  
25 understand that I was not intending to be sarcastic by



1 giving you the document.

2 A. In all fairness, I can take it either way.  
3 And truly, and wholeheartedly in belief, I don't  
4 believe you were being sarcastic. I think you're just  
5 trying to show what you need to discuss. But at the  
6 same time, I could take it that you're being sarcastic  
7 that here, let me just throw a little dagger at you  
8 because I want to be like Michelle.

9 MR. SANFORD: Can we take a short break  
10 again?

11 MR. AHEARN: Sure. Why don't we do  
12 that, and then I'm actually going to change topics and  
13 try to ask a few wrap-up questions. Do you intend to  
14 do any direct?

15 MR. SANFORD: Yeah, it's probably maybe  
16 15 minutes.

17 MR. AHEARN: So why don't we take a few  
18 minutes, take a deep breath, and let's move on.

19 THE COURT REPORTER: We are off the  
20 record.

21 (Off the record.)

22 THE COURT REPORTER: We're on the  
23 record.

24 Q. All right. So I'm just going to ask a few  
25 more questions. I'm going to change topics and then

1 I'm going to turn the questioning over to Mr. Sanford.  
2 Earlier in your testimony, you alluded to a concept of  
3 how customers get aligned to account executives. Do  
4 you remember talking about that or at least touching  
5 on that topic?

6 A. Yes.

7 Q. Now that, as I understand it as a general  
8 matter, those customer alignments to account  
9 executives, I think that you said there was a goal of  
10 trying to allocate it in a way that was about \$5  
11 million in business in mind being managed by a  
12 particular account executive?

13 A. I never said that.

14 Q. Can you remind me what the significance of  
15 the \$5 million was?

16 A. That was my district.

17 Q. Okay. So that's for --

18 A. The business that is aligned to my district  
19 equated out to roughly about 50, 55 mil, and so  
20 territories were based around that to have an equal  
21 share of about 5 million per. So I said, simple math,  
22 if I had ten employees, they would try to balance the  
23 workload to create each employee to have 5 mil to  
24 equate out to 50 mil. And I had employees. So I had  
25 some employees that were 7, 8 mil, and some employees

1       that were 6 mil, and I had some employees at 5. But  
2       it all equated out to my 55 million that I was  
3       responsible for.

4           Q.     And who does those alignments?

5           A.     Dave's admin for the Central Division which  
6       was Karen James.

7           Q.     Dave Russell's admin?

8           A.     Uh-huh. One of his admins. He had  
9       multiples. She was an analyst.

10          Q.     And does she need to get Dave's approval for  
11       changes to the alignments?

12          A.     Yes and no, because she's got a task to  
13       build territories because it starts from a hierarchy  
14       of the division to regions to districts.

15          Q.     Okay.

16          A.     And in the old days, we were allowed to do  
17       it, but then as time progressed with all the new hires  
18       that didn't know anything about software and how the  
19       software was utilized, Karen James or Dave or  
20       corporate made the decision that there would be a  
21       point person, and Dave Russell's point person was  
22       Karen James.

23                 So it was basically her role that she goes,  
24       this is your territory. This is how it's going to  
25       work out, and if there was any exceptions to it, I

1 didn't like it, for example, I couldn't call Karen, I  
2 had to call Michelle and give her a justification of  
3 why, and then Michelle took it upon herself to call  
4 Karen James to get things addressed, rectified, or  
5 come back and say, we're not going to do it because of  
6 this.

7 Q. And I think you said -- I'm sorry. It's  
8 been a long day. You said it was Karen?

9 A. Karen James.

10 Q. Karen James, Dave Russell's assistant. She  
11 was doing those alignments under Dave's supervision,  
12 correct?

13 A. I don't even think -- yes and no. I don't  
14 think Dave looked at it. I think he gave her  
15 parameters or she knew the parameters that were  
16 justified by the sales marketing group, and she took  
17 it upon herself to create territories based on, here's  
18 your district. You have an average, and I have to  
19 split this average amongst your number of employees to  
20 give everybody an equal share. There's a lot of  
21 things that contributed to it. It's not just as  
22 simple as what you and I are talking about. It's very  
23 complicated.

24 Q. I understand. There's many factors that  
25 could go into changes and developments in customer

1 alignments, correct?

2 A. Correct. Because you could have -- she's  
3 building my district amongst my 10 AEs. Hypothetical  
4 conversation. I've got 50 mil, and she's building  
5 that 50 mil to spread it amongst my 10 AEs. But the  
6 problem is, I've got one account that drives \$20  
7 million a quarter. So she has to figure out how do I  
8 put that one account of 20 million into play because I  
9 can't do it equally. So I may have one AE that may  
10 only have 10 accounts because that 20 mil plus the  
11 other 9 adds up to X. And then the rest of the  
12 district may have this, but their account load may  
13 equate out to 100 to 120 accounts. It all is based on  
14 revenue contribution per account. That's why I said,  
15 It's complicated.

16 Q. Right. And I think you said -- it sounded  
17 like you were saying that you had -- if you perceived  
18 that there was some sort of inequity or incorrect  
19 alignment that should be changed, you had the ability  
20 to make a request for that to be changed?

21 A. Correct.

22 Q. Just briefly as possible, can you just maybe  
23 give me a couple of examples of instances when you did  
24 that?

25 A. That I did? I did it all the time.

1 Q. Okay. So let's -- without going into all  
2 the details --

3 A. Here's a good example of what you're looking  
4 for. During the transition of a pricing program we  
5 had, we went from our pricing program of PRS to the  
6 new program of EPRS. And basically the difference was  
7 is that the PRS was even though we entered it into the  
8 system, it was more of a manual set. Answering  
9 questions: Yes or no. The EPRS was designed to pull  
10 historical information data from the system to allow  
11 the AEs to enter a pricing request a lot quicker, a  
12 lot easier, and not having to go research for all the  
13 historical data. That was the new EPRS system.

14 When the system came together, and it was  
15 supposed to be this new created system, there was more  
16 problems with it than you can shake a stick at. First  
17 of all, the two systems did not communicate. This had  
18 an account code which was 12 digits. The EPR system  
19 worked on nine digits. So they had to take all these  
20 account codes over here which were 12 digits and  
21 create all new account codes to become nine digits so  
22 EPRS could function. During this transition of all  
23 these account codes, there was a lot of account codes  
24 that lost their way through the sky. So you could  
25 have your company called ABC. And ABC, you had ten

1 subsidiaries around you. You had the main office, and  
2 you had businesses scattered all through Texas, one in  
3 Dallas, one in Houston, one in San Antonio, these are  
4 all your subsidiaries or your warehouses that you sell  
5 product out of.

6 Imagine a grocery store. You know, you've  
7 got a grocery store in your area. How many of those  
8 same grocery stores around Memphis? There's multiples  
9 of them. But those are all the same thing. They all  
10 line up to the one parent office, which is your  
11 office, for example. All these have individual  
12 account codes which they call an entity or a facility.  
13 And it's the system that they were trying to get all  
14 these 12 digits aligned to nine digits, they  
15 automatically aligned roll up to what they call the  
16 entity. Because all these subsidiaries generate  
17 revenue contribution for the entity.

18 During this transition, there were so many  
19 problems with account codes. The system got  
20 overboard. There was problems. We had multiple,  
21 multiple customers that were getting billed  
22 incorrectly because discounts weren't applied.  
23 Concessions weren't applied. It was a total train  
24 wreck. And it got so bad that Memphis court turned  
25 around and said, instead of you managers and AEs

1 filing all these losses, all these adjustments that  
2 need to be done because we're billing customers  
3 incorrectly, we, as FedEx corp, are going to do this  
4 ourselves, and we will send you reports quarterly  
5 showing you how much credit we're going to give back  
6 to your customers. The customers were livid because  
7 I'm in the system. I'm billing, and on my discounts,  
8 I should be sending a letter for 12.50. But now all  
9 of a sudden because we are moving the systems, the  
10 customer, that same letter that cost me 12.50 last  
11 month is now costing me \$167 because I'm not getting  
12 any discounts or anything. It was a total debacle.

13 Q. When was this?

14 A. About two years before I left. It was a  
15 conversion of EPRS and PRS. So the companies started  
16 issuing all these things coming back, and in doing,  
17 they never could get the accounts to roll up to the  
18 true hierarchy. So we were out there trying to find  
19 accounts of how it goes here -- it was just picking a  
20 puzzle piece. Nothing was working. And so it could  
21 be that my numbers tumbled because I lost an account,  
22 and I had to go find the account. And once I found  
23 the account, then I would tell Michelle that, Hey, I'm  
24 short on revenue on this one here, or we overbilled a  
25 customer here. This affected my goals because of



1 this, of this EPR system to PRS conversion.

2 And at that time, they would roll it up, and  
3 then these reports that were being generated by  
4 Memphis were also thrown to Vicki Peterson in  
5 compensation. They were trying to do everything  
6 behind the scenes to make sure everybody was getting  
7 compensated correctly. It was a mess.

8 So this is how accounts rolled up and how  
9 people got aligned. I hope I answered your question.  
10 It's very convoluted. It's very confusing.

11 Q. I think so. Were there at least some  
12 instances in which -- and I gather that, you know,  
13 there were account executives on your team who had  
14 problems with their composition as a result of this,  
15 correct?

16 A. Yeah.

17 Q. And did you bring those matters to Michelle  
18 Lamb's attention?

19 A. Yes.

20 Q. And were there at least some instances in  
21 which Michelle Lamb was able to resolve those matters  
22 to the satisfaction of both yourself and the account  
23 executive?

24 A. No.

25 Q. Never was able to?

1           A.    No.  I'll give you one good example.  There  
2   was a customer we had in New Braunfels that did  
3   sub-business for a company called Fanatics.  And  
4   Fanatics is a company that has all the marketing  
5   paraphernalia for professional sports.  So if you  
6   wanted to order a Dallas Cowboy jersey with the  
7   authenticity logo -- authenticated logo, Fanatics has  
8   the rights to generate that shirt under the sports  
9   arena that it falls under that will give you a true  
10  jersey.

11                So this company out in New Braunfels does a  
12  lot of the glasses, the drink glasses, the mugs, the  
13  hats, the gloves, or whatever.  And during this  
14  process, there was an account that came in called  
15  Fanatics, and we got it, and it was totally broken.  
16  This is that EPR system.  My AE got goaled or got  
17  revenue contribution for, like, 160,000 which was  
18  totally false.  And I talked to Michelle.  Michelle  
19  told me to go talk to Melisa.  So I talked to Melisa,  
20  and we got it rectified.

21               And then I turned around and I told  
22  Michelle, I said, Here's my problem:  Because the  
23  system is not going to correct historical data, I need  
24  to make sure that this revenue contribution that we're  
25  talking about today does not hit my AE next year in

1 revenue growth. Because we've already moved it to  
2 where it belongs under Fanatics which is a national  
3 account for us. It's moved, but it will not correct  
4 historical data. So next year, he's going to be  
5 goaled on it.

6 MR. SANFORD: When you say goaled,  
7 that's G-O-A-L-E-D?

8 THE WITNESS: G-O-A-L.

9 MR. SANFORD: G-O-A-L-E-D?

10 THE WITNESS: Yeah, goaled.

11 MR. SANFORD: Not G-O-L-D?

12 THE WITNESS: G-O-A-L-E-D.

13 A. He's going to be goaled on it in his  
14 compensation. And she told me I didn't know what I  
15 was talking about. We fixed it. It's not going to  
16 come to light, yada yada yada. So I did all those  
17 records. I kept them in my deal, and I told my AE,  
18 for whatever the reason may be, if I'm not here, if I  
19 die, or whatever the case may be, here's the e-mail.  
20 Save this e-mail because next year at this time when  
21 compensation comes, I've got to make sure that you're  
22 not goaled for this because it was never your account.  
23 We moved the revenue a year ago.

24 Q. And so -- and being goaled for it means that  
25 that revenue is factored into your goal for the

1 following year with a result that your goal would  
2 increase?

3 A. Right. So I said, Fine. So anyway, when  
4 the year came up, he was goaled on it just like I told  
5 Michelle was going to happen, but she turned around  
6 and told me I didn't know what I was talking about.  
7 So I got with Melisa which was Michelle's admin, and I  
8 said, Melisa, we're here. And she goes, I am so glad  
9 you saved that e-mail. And I said, yeah, because I  
10 knew this was going to haunt me. It was a broken  
11 system, and yada yada this.

12 So we just ignored Michelle because she  
13 wasn't going to do anything with it. So Melisa turned  
14 around and got with Karen James which is the one that  
15 divides all these territories up on hierarchies,  
16 talked to Karen, and Karen corrected it behind the  
17 scenes. But she couldn't correct it all the way  
18 because it's compensated.

19 So then Karen had to send it to Vicki  
20 Peterson to manually adjust Steve Scogna's numbers to  
21 remove this number so he could get paid commission.  
22 So if memory holds me right, and do not hold me to  
23 this because I'm going off of thought, he went from  
24 not getting a compensation payout that quarter to  
25 getting a compensation that was a little over five

1 grand because of that one account.

2 So it was a total messed up system, and  
3 everybody in the system had it. And the rules of  
4 engagement that the company came out and said is that  
5 if you have one of these accounts, bring it to light,  
6 and we're going to discuss it and make sure we do the  
7 right thing for the AEs. And that was the deal. But  
8 Michelle never wanted to get involved in it because  
9 she didn't know how the process worked. And she  
10 didn't want to know how the process worked. That's  
11 why I said she always said, go handle it over there  
12 and come back and tell me how it did. Just as the one  
13 that I had coming from the valley, that Ricardo went  
14 to president's club on which was a million dollar  
15 customer at General Electric. Remember I talked about  
16 that earlier?

17 Q. Yes.

18 A. We got that corrected because Michelle  
19 didn't want any part of it. So Melisa and I and Karen  
20 James and Vicki Peterson did it, and we got the  
21 account realigned to the proper entity in  
22 Pennsylvania. And when we got it aligned to the  
23 proper entity in Pennsylvania, I wasn't goaled on it,  
24 and Ricardo wasn't goaled on it. But Michelle never  
25 wanted to get involved in it because she didn't know

1 how the system worked.

2 Q. Okay. I don't have any more questions.

3 Mr. Sanford, do you want to?

4 EXAMINATION

5 BY MR. SANFORD:

6 Q. Okay. So let's just talk about -- so early  
7 on in the deposition, you talked about or you were  
8 asked about characteristics that made a good district  
9 sales manager. Can you tell me whether or not  
10 Jennifer Harris had characteristics of a good district  
11 sales manager?

12 A. Absolutely.

13 Q. Can you tell me whether Michelle Lamb had  
14 the characteristics of a good regional sales manager?

15 A. No. And that's why I said earlier in one of  
16 my exhibits you got, Dave Russell asked a question in  
17 one of his meetings, do you think your leader is a  
18 valuable coach or something, however it was worded,  
19 and my rhetorical thoughts that I wrote in red, I  
20 said, absolutely not. She's totally disengaged.

21 Q. You talked about an analogy, a billing  
22 analogy, where in terms of knowledge, the 10th floor  
23 is the top level of knowledge. You're about level 8,  
24 and you said Jennifer was maybe 4 or 5 or 6, Jennifer  
25 Harris. What floor would you put Michelle Lamb's

1 knowledge?

2 MR. AHEARN: Objection to form.

3 THE WITNESS: Can I answer?

4 MR. AHEARN: It's just an objection.

5 Go ahead.

6 A. The basement or the first level.

7 Q. So I think you explained this, but it was  
8 the issue, I guess, you were written up for either  
9 saying or not doing one-on-ones with your AEs?

10 A. Okay.

11 Q. Do you recall that?

12 A. Yes.

13 Q. Did you do one-on-ones with your AEs?

14 A. All the time. You can go back and pull my  
15 calendars from FedEx, and they can still rebuild my  
16 calendars from Outlook. You will see all my  
17 one-on-ones on the calendars.

18 Q. So was the issue just a matter of geography?  
19 Your one-on-ones were in person out in the field  
20 rather than in an office or a Starbucks somewhere?

21 A. Yes. She did not want them in the car. She  
22 wanted them before, after, or a following day. But  
23 she did not want them in the car.

24 Q. She wanted them where?

25 A. A Starbucks, a restaurant, a gas station, my

1 house, because at the time, we didn't have offices.  
2 We worked out of our houses. And I'm sorry, I'm not  
3 bringing people to my house to conduct business. So  
4 we would have to go to a Starbucks. Have you ever  
5 tried to conduct a meeting at Starbucks? It's noisy  
6 as hell. And if you go to a restaurant, if you go to  
7 a library, whatever the case might be, that's where my  
8 office became.

9 Q. What were you supposed to do with a  
10 one-on-one?

11 A. Sat down, and we'd go over numbers. We'd go  
12 over their territory. We'd go over any obstacles they  
13 have, any issues they have, and then I'd turn around  
14 and I'd make suggestions of where I can see  
15 improvements or where I would like to see  
16 improvements, how I can help them improve. And it was  
17 just coaching the individual to become better at his  
18 job.

19 Q. Did you go over those with her?

20 A. Every time. I was more detailed than  
21 anybody else, and this is the reason I moved to the  
22 car because having a group of baby boomers, and I've  
23 managed for years, I had to constantly become creative  
24 in some sort of fashion to keep their interest. And  
25 so as I sat there with them, that's why I said, I'm



1 going to go to the car, and in the car with them, when  
2 I ride with an AE, I'm there with them all day long.  
3 And I use the phrase from sunup to sunset. And  
4 Michelle never could digest my terminology. It was  
5 just an analogy because my days with them, I started  
6 with them at like 8:30 in the morning. We would be  
7 done anywhere between 2:30 and 4:30.

8 Q. Did Michelle Lamb ever spend a full day with  
9 you?

10 A. No.

11 Q. All right. So let me ask you this: On the  
12 football issue, pass the football from one to the  
13 other, and I believe you testified that one or more of  
14 your AEs said if it came to us, we would just return  
15 it because we're upset?

16 A. Correct. Because they felt they were not  
17 part of the region.

18 Q. And what was your intended solution?

19 A. As Brian -- as I said, Brian Golden and I  
20 had conversations before the meeting of how do we get  
21 the ball to San Antonio? Because this was an exercise  
22 of Michelle's, how do build camaraderie, how to learn  
23 to collaborate amongst the peers, and like I told  
24 Brian, this hasn't made San Antonio, and for this  
25 exercise to be successful, we need to include it. And

1 he agreed with me wholeheartedly.

2 Q. Even at that meeting?

3 A. That was my intent at the meeting.

4 Q. But if your AEs said they didn't want it,  
5 what was your solution?

6 A. So when I'm talking in the meeting, I even  
7 told Michelle in the meeting that Brian Golden and I  
8 have had a couple of conversations on this of getting  
9 it to, to continue the exercise, to make the exercise  
10 successful, to have the San Antonio AEs feel like  
11 they're part of the region.

12 Q. Even if they didn't want it?

13 A. I haven't got that far. Brian Golden stood  
14 up and said, Yes, Richard and I had those  
15 conversations, and yes, we had them. I dropped the  
16 ball. I never got it to San Antonio. That's when I  
17 said, And my AEs feel that they're not part of the  
18 region. So if the ball came, they would send it back.  
19 I wanted nothing more than to get that ball to San  
20 Antonio to complete the exercise. But they were going  
21 to sit there and cancel them out. So how do you  
22 cancel something out when you don't bring all the  
23 parties in, especially when it's the director's  
24 initiative.

25 Q. So the point I'm asking is which way were

1 you intending to go? If the ball came, and your AEs  
2 said, we don't want it. What were you going to say or  
3 do?

4 A. We were going to keep it regardless. That  
5 was just frustration from the AEs. If we got the  
6 ball, we were going to cherish like everybody else in  
7 the exercise. What would have happened is, because  
8 like I said earlier, the AEs from the San Antonio  
9 market, the Austin market, and the Houston market  
10 really didn't know anybody. So it was very hard to  
11 collaborate. So as in Houston, as in Austin, when  
12 they got the ball, the ball started passing amongst  
13 their group. So in other words, what would happen if  
14 it would have come to San Antonio, say they gave it to  
15 Steve Scogna, Steve Scogna would have got the ball.  
16 He's not going to drive to Austin or Houston to pass  
17 it around. He doesn't really know the AEs. So he's  
18 going to go get one of his counterparts like Patricia  
19 and give her the ball. Patricia's going to get the  
20 ball, and then she's going to turn around and give it  
21 to William Gonzalez, and then William Gonzalez may  
22 give it to Adrian Morales.

23 Q. Who was ultimately responsible for making  
24 sure that San Antonio was not left out?

25 A. Michelle Lamb. It's her -- she's the

1 director. It's her region, and it was her initiative  
2 to make this thing successful. And all I was doing  
3 was bringing it forward, you want to cancel an  
4 exercise that never made it down here.

5 Q. So you talk about the Friday right before  
6 you go on vacation at 4:30, afternoon telephone. You  
7 called it a screaming match?

8 A. It started out calm, and ended up where she  
9 was screaming at me.

10 Q. What about you, did you raise your voice?

11 A. No. I was taken aback, and I just held my  
12 composure. I said, Because this ain't going to go no  
13 where. She's not going to have a document of anything  
14 of screaming or nothing.

15 Q. So you kept your composure?

16 A. Kept my cool.

17 Q. So you got really upset today during this  
18 deposition.

19 A. Absolutely.

20 Q. I didn't hear you raise your voice one time  
21 although you were really upset.

22 A. Okay.

23 Q. Did you raise your voice today?

24 A. Personally, I think I did. But I can't  
25 judge my tone. I can't judge my sound from a decibel

1 perspective out there. So...

2 Q. It didn't sound like yelling to me.

3 A. I don't think I yelled, because I yell,  
4 you'll know when I yell.

5 Q. Right.

6 A. I think I was more frustrated.

7 Q. There was no screaming today?

8 A. No, there was no screaming here at all.

9 Q. Okay. Then you said, Look if you want me --  
10 I guess in that conversation, that 4:30 conversation,  
11 If you want me to make a public apology, I'll do it.  
12 You made that offer?

13 A. Yes.

14 Q. Was there any basis for you needing to make  
15 an apology?

16 A. No. There was nothing I did or nothing I  
17 said to warrant it. I was just doing it to calm her  
18 down. She was screaming. And that's why I told her  
19 just to end it. I said, Michelle, if you want me to  
20 apologize, I'll make a public apology amongst the  
21 group. She goes, I just wanted to talk to you about  
22 this before you go on vacation. Jesus Christ, thank  
23 you.

24 Q. You were accused of derailing a meeting.  
25 Did you derail any meeting?

1           A.    No, I made a comment in my peer group, and  
2   the comment was -- and I don't the paper. So I can't  
3   recite it, you know -- I can't even talk right now.  
4   But I basically said, I don't do sitdown one-on-ones  
5   now because I have a very tenured group. They're all  
6   baby boomers, and I've got to continuously change my  
7   way of thinking to keep things creative to keep them  
8   learning. So what I do right now is I've incorporated  
9   my one-on-ones into the car. That's not derailing.  
10   That's just an open discussion.

11           Q.    And so who was leading that discussion?

12           A.    Brad Lambert and Brian Golden.

13           Q.    Was Michelle even in that discussion?

14           A.    No, she was sitting right over here by me,  
15   and she never said a word the entire meeting. And  
16   that was Michelle's pattern that she does is when she  
17   had a meeting when she first came in, she never  
18   conducted the meeting. She always passed the meetings  
19   on to the new people. Did she ever choose me or  
20   Jennifer to host a meeting? No. Who did she pick?  
21   Brad Lambert, Brian Golden, Brian Hickman, Brian  
22   Conrey, Jaime McElroy, and Brian Conrey. Did she ever  
23   pick Jennifer or I? No.

24           Q.    Just to be clear, in your discipline  
25   process, did Michelle Lamb follow FedEx policy and

1 procedure for the progressive discipline with you?

2 A. No.

3 MR. AHEARN: Objection to form.

4 A. She always left out the document of  
5 discussion, and she'd shortcut time frames. Time  
6 frame is a 90-day time frame. You give the individual  
7 at least a quarter to turn things around. If things  
8 do not turn around -- this is the way the policy  
9 statement is written. And this is where you have to  
10 use judgment, and you bring HR in, and you bring Dave  
11 Russell in, the VP. And this is where everybody acts  
12 as adults, and they don't become biased. You put  
13 someone on a documented discussion, it comes to a  
14 letter. Whether it's documented discussion or their  
15 first letter, they get a 90-day period to turn the  
16 course. You can't turn a Titanic around in 30  
17 minutes. It takes time. At the end of the quarter,  
18 which is a 90-day time period, you evaluate the  
19 individual based on the plans that you outlined. Did  
20 the individual correct certain things? Is the  
21 individual doing this? Is the individual trying to  
22 change things? Is the individual doing this? And if  
23 they're all doing that, and he's showing progress in  
24 his efforts to turn the ship, you have a chance as a  
25 good manager to sit there and say, Okay, here's what

1 I'm going to do. I'm going to leave you on the letter  
2 for one more quarter. That will give you six months.  
3 If you can't turn the ship by then, I may be forced to  
4 give you a letter of warning. That's how it goes.

5 Q. How do you know this?

6 A. Because it's written in the policy. And  
7 Michelle, she always skip leveled everything. You  
8 went -- no documented discussion, oh, I'm giving you a  
9 letter today.

10 Q. And did you meet with Russell and HR for a  
11 documented discussion?

12 A. No. It's not Russell's or HR's documented  
13 discussion. It's Michelle.

14 Q. Where did they get involved?

15 A. Russell --

16 Q. Russell and HR?

17 A. They don't ever get involved unless she  
18 presents a letter, or I present a letter to my group.  
19 I cannot present a letter unless I draft it up, I send  
20 it to Jim Wallace. At that time, he was my HR  
21 advisor. I have to send it to Jim Wallace. Jim  
22 Wallace proofreads, paraphrases, he goes through to  
23 make sure everything is presented accordingly as  
24 outlined in the business policies. He comes back to  
25 me, and he says, This is good.



1           Then I turn around, and I send it back to  
2       Jim Wallace and Dave Russell, since he's my VP, and I  
3       cannot commence forth unless Jim Wallace comes back at  
4       that time and says, You are good to go. That ensures  
5       that all parties of management are involved. That  
6       ensures that HR reviewed, made sure that it complied  
7       with policy, we were on the same format, and once I  
8       got the approval, then I could meet with my AE and  
9       say, This is where we're at.

10           Michelle never did that. She just jumped.  
11       Now, do conversations take place behind the scenes? I  
12       would have to assume that because of all the letters  
13       you see, Jim Wallace or Kristie Castilow or Dave  
14       Russell's CCd in on it. So it's their responsibility  
15       to review it, and if they don't review it, shame on  
16       them. Because that's like giving me the keys to your  
17       bank account and letting me take all your money, and  
18       you didn't review your statement at the end of the  
19       month.

20           Q.    Let me talk about alignment. What are the  
21       rules for alignment? What is the rule for aligning a  
22       customer in a particular district?

23           A.    The first rule -- oh, this is going to be  
24       complicated. I'm going to keep it as short as I can.  
25       I'm getting tired.

1 Q. Well, let me ask you --

2 A. I know what you're talking about. The first  
3 rule is every account is aligned by ZIP Codes in my  
4 district, which is filtered down to my territories.  
5 AEs are given a number of ZIP Codes, and every account  
6 that falls in the ZIP Code aligns to that particular  
7 AE. There's things and exceptions that happen because  
8 of the way our system looks at things because a lot of  
9 these businesses could have their corporate office in  
10 ZIP Code 1, which is in San Antonio, Texas, but on the  
11 north side of San Antonio, they could have a warehouse  
12 which is in total ZIP Code number 2. The system looks  
13 at it like because they align by ZIP Code, one AE gets  
14 the corporate office, the other AE gets the office in  
15 ZIP Code 2. It's the AE's responsibility, as well as  
16 my responsibility, to make sure we bring those things  
17 together to make sure that both of those facilities  
18 align to the corporate office which is in ZIP Code 1.  
19 And how we do that is, we get with Michelle. We get  
20 with Melisa. We justify the reasonings on it, and  
21 then Melisa turns around and moves that account to  
22 make sure it follows what we call the hierarchy of the  
23 entity.

24 Q. And the hierarchy of the entity is the  
25 corporate office?

1           A.    It's the corporate office. The entity is  
2 always the corporate office.

3           Q.    And so the customer is aligned to the ZIP  
4 Code of the corporate office?

5           A.    Of the corporate office. And this is where  
6 it gets kind of confusing. It's aligned to ZIP Code,  
7 but it's actually aligned to what we call their global  
8 entity, that's their DBA official name through Dun and  
9 Brad. So a Dun and Brad could be AB company, but in  
10 all essence, it could be Amazon. And I'm just kind of  
11 making this up. And you have all the Amazon  
12 facilities, but if I own AB company as their global  
13 entity which is in my territory, all the Amazon  
14 facilities across the US get aligned to me because I'm  
15 in control of the corporate office.

16          Q.    Right.

17          A.    Those things break away. Those things fall  
18 through the grapevine, and we find them through the  
19 process of elimination. And then my time's to bring  
20 it, I have to do it. If that thing gets staggered out  
21 somewhere, the process is is we talk to -- I talk to  
22 my peer. So I talk to my DSM in Chicago.

23          Q.    The bottom line is, it may be complicated,  
24 but at the end of the day, the rule is customer is  
25 aligned at their global headquarters to the ZIP Code

1 where that headquarters is at?

2 A. Correct. So in essence -- and I don't know  
3 if this is part of your question, but it creates some  
4 clarity to it. If I owned the global entity, and I  
5 decide that, for whatever the reason may be, we had an  
6 alignment of ZIP Codes, and ZIP Code now got moved to  
7 you, for whatever the reason may be, you got all the  
8 accounts. But, however, there was one account that  
9 got left in my territory because it wasn't truly  
10 aligned to this because I'm still waiting for EPRS to  
11 make the corrections. I'm waiting for the conversion  
12 from the 12-digit to the 9-digit account code.

13 There's a lot of reasons why it was left  
14 here, but this account, whether it's good or whether  
15 it's detrimental, it remained with me, and it's  
16 incorrect. It needs to move to you.

17 So if I can't move it within the quarter,  
18 and the revenue comes there, as a gain, I would go to  
19 my director, like Michelle Lamb, and I would say,  
20 Michelle, this account moved to him or her. It left  
21 this facility here. I got revenue contribution for  
22 it, and I don't deserve it. Michelle would have to  
23 take it upon herself to get with Karen James with the  
24 justification I just gave her, get it corrected in the  
25 system, but because the quarter completed, Michelle's

1 next step would be she would have to get ahold of  
2 Vicki Peterson which is in compensation and explain  
3 the reason why she is moving X dollars from my  
4 territory to your territory. Because in their eyes,  
5 it doesn't make sense, because I gained \$100,000 and  
6 I'm trying to move it.

7 Q. So let me ask -- make it much more simple.  
8 All right. So -- and to give you a real-life example.  
9 Jennifer Harris has an AE one quarter.

10 A. Okay.

11 Q. The very next quarter, this AE has been  
12 moved to another district sales manager.

13 A. Okay.

14 Q. And all of her territories are moved to the  
15 other district sales manager, and all of her customers  
16 are moved to the district sales manager.

17 A. Okay.

18 Q. Including BJ Services, a company called BJ  
19 Services.

20 A. Okay.

21 Q. No question about anything being left. No  
22 question about income coming in this next quarter.  
23 Zero income coming in to Jennifer Harris from that BJ  
24 Services.

25 A. Okay.

1           Q.    Zero question about if it's in her territory  
2           or not. So my question is: What is the rule for  
3           being goaled? Going forward in the future, for  
4           that -- for BJ Services because it's no longer in her  
5           territory going forward?

6                   MR. AHEARN: Objection to form.

7           A.    Just to make sure I understand. BJ  
8           Services -- or the AE got removed from Jennifer's  
9           hierarchy --

10          Q.    Yes.

11          A.    -- to a new district sales manager?

12          Q.    Brian Conrey.

13          A.    Okay. She got moved to Brian Conrey. And  
14          when she got moved to Brian Conrey, all of her ZIP  
15          Codes that were aligned to her under Jennifer moved as  
16          well to Conrey?

17          Q.    Yes.

18          A.    So that means that all the accounts within  
19          that --

20          Q.    Including BJ Services.

21          A.    So that means that all the accounts that  
22          were aligned to her by ZIP Codes moved to her and  
23          moved to Conrey. Conrey is now responsible for all  
24          those accounts that the new AE had. If any account  
25          was left over into Jennifer, for whatever the reason

1 may be, there's what we call rules of engagement to  
2 correct. Number 1, it should have never been left to  
3 Jennifer.

4 Q. It wasn't.

5 A. It should have moved.

6 Q. Are we talking about the goal or the  
7 customer?

8 A. The customer should have moved.

9 Q. The customer got moved. There's no  
10 question.

11 A. Okay.

12 MR. AHEARN: Objection to form.

13 Q. No question whether the customer got moved.

14 A. I'm just saying, the customer moved. And  
15 moving that, depending on a time frame, because we  
16 work through a process called simulations and sims to  
17 where we're moving accounts, and during this process  
18 of moving accounts, because Karen James, because she's  
19 the one that's doing it for Dave, she was working at  
20 this thing six months in advance. So there would be  
21 this period of what they call lockdown that we cannot  
22 move anything. We cannot correct anything. It sits  
23 there until the following quarter.

24 So if this account moved to Conrey, and the  
25 paperwork, or it was done during the freeze to where

1 it could not move the revenue, and the revenue stayed  
2 with Jennifer, and Jennifer got goaled on the revenue,  
3 which would be totally incorrect, it's Michelle Lamb's  
4 responsibility to correct it.

5 Q. That's what I'm trying to get to.

6 A. It's Michelle Lamb's responsibility to  
7 correct it because all she --

8 Q. Why does she correct what's incorrect?

9 A. Because the correction would be that she  
10 would get ahold of Karen James and say, We've moved  
11 this AE, all the ZIP Codes, all the accounts. There's  
12 no questions, no doubt, but because we were in a  
13 lockout period, we couldn't move numbers for  
14 historical data. Jennifer came to the next quarter,  
15 got goaled on it. We need to remove the goal. And  
16 Karen James would sign off.

17 Q. Well, what about this: Let's say that the  
18 situation is -- I'll just represent to you the  
19 situation is it got all moved over to Brian Conrey,  
20 and what Michelle Lamb had to do is to physically go  
21 to Vicki and say, No, move the goals back to Jennifer.  
22 We're going to make an exception to the rule, move it  
23 back to Jennifer going forward even though it's in  
24 Brian Conrey's district, and everything was all set  
25 up?



1 A. That's totally incorrect.

2 MR. AHEARN: Objection to form.

3 A. It's totally incorrect.

4 MR. SANFORD: What's your objection?

5 MR. AHEARN: Lacks foundation.

6 Incomplete hypothetical.

7 MR. SANFORD: What's incomplete?

8 MR. AHEARN: I don't think we need to  
9 argue about the admissibility of testimony on the  
10 record.

11 MR. SANFORD: I want to meet your  
12 objection. I want to satisfy your objection.

13 MR. AHEARN: I don't think you've laid  
14 the foundation for your factual assumptions that you  
15 incorporated into the question.

16 Q. All right. So assume, for the record, I  
17 believe that the facts show that the account was moved  
18 to Brian Conrey. BJ Services was moved to Brian  
19 Conrey under Jennifer Garcia.

20 A. Okay.

21 Q. Brian says, The price is too high. I don't  
22 want this high goal. And rather than reducing the  
23 goal for Brian Conrey, Michelle Lamb had to make an  
24 exception going to Vicki Larson -- is her last name  
25 Larson?

1           A.     Peterson.

2           Q.     -- Peterson, and say, please make an  
3     exception and put the goal back on to -- going  
4     forward, put the goal back onto Jennifer Harris?

5           A.     Okay. Totally incorrect. Whether it's  
6     hypothetical or whether it's assumption --

7                     MR. AHEARN: Objection. Objection to  
8     form.

9           A.     It's totally incorrect. Because what  
10    happens is the account moves. The revenue moves. The  
11    goal moves. And if something doesn't go according to  
12    the plan, we have what we call rules of engagement,  
13    and the rules of engagement is we justify to Michelle.  
14    Michelle takes the justification. She presents it to  
15    Karen James. Karen James signs off on it. If need  
16    to, they get Dave Russell involved in it. And then  
17    the final step is we've got to call Vicki Peterson to  
18    make a manual correction of compensation because the  
19    previous quarter has been locked down.

20                    What a lot of people don't understand about  
21    our comp is is that if we finish Q1, we don't get paid  
22    comp until Q3. There's a quarter lag because during  
23    Q2, they're running all the numbers. They're making  
24    sure of all the alignments. They're making sure of  
25    all the debates, all the inquiries, everything that's